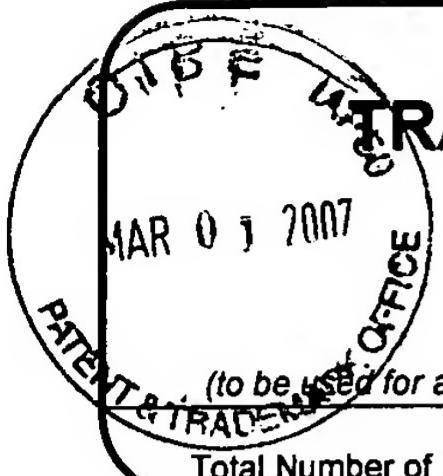


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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

|                        |                     |
|------------------------|---------------------|
| Application Number     | 10/661,698          |
| Filing Date            | Sept. 12, 2003      |
| First Named Inventor   | Faircloth et al.    |
| Art Unit               | 3673                |
| Examiner Name          | Conley, Fredrick C. |
| Attorney Docket Number | PIL001              |

## ENCLOSURES (Check all that apply)

|  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <b>Remarks</b><br><i>1. Interview Summary</i><br><i>2. Request for fees from prior Appeal to be applied to this appeal (see Notice of Appeal)</i>  |  |  |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

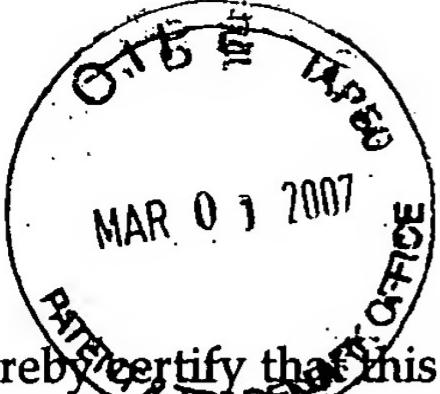
|              |                           |          |  |
|--------------|---------------------------|----------|--|
| Firm Name    |                           |          |  |
| Signature    | <i>J. Faircloth</i>       |          |  |
| Printed name | <i>Julia S. Faircloth</i> |          |  |
| Date         | 2-26-07                   | Reg. No. |  |

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|-----------------------|---------------------------|------|---------|
| Signature             | <i>J. Faircloth</i>       |      |         |
| Typed or printed name | <i>Julia S. Faircloth</i> | Date | 2-26-07 |

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on this day of: 2-26-07  
Print Name: Julia S. Faircloth  
Signature: J. Faircloth

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

*In re* Application of )  
Julia S. FAIRCLOTH et al. )  
Serial Number: 10/661,698 )  
Filed: September 12, 2003 )  
For: PLAY PILLOW WITH HIDING SPACE )  
Group Art Unit: 3673  
Examiner: Conley, Fredrick C.  
Attorney Reference: PIL001

**NOTICE OF APPEAL**

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

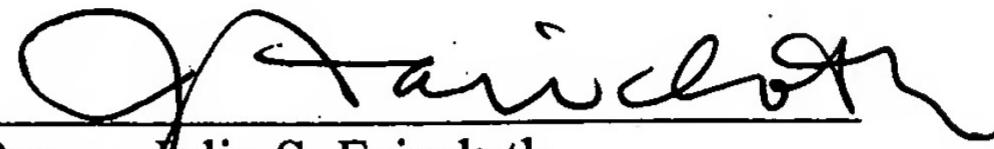
Appellants hereby give Notice of Appeal and file an Appeal Brief herewith to the Board of Patent Appeals and Interferences from the Examiner's decision of Nov. 28, 2006 finally rejecting claims 1-2 and 4-11, 14-15, 18, 21, 23-31, 34 of claims 1-2 and 4-36 pending in the above-captioned patent application.

Appellants request that fees associated with earlier filed Notice of Appeal and Appeal Brief mailed September 15, 2005 but now withdrawn be applied here. Thus:

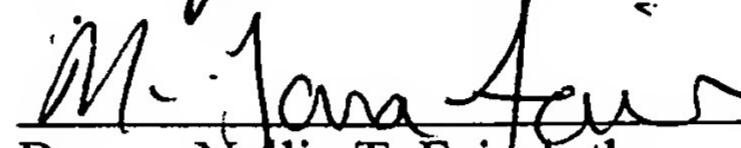
- a) A \$250 small entity Notice of Appeal fee was mailed Sept. 15, 2005.
  - b) A \$250 small entity Appeal Brief filing fee was mailed Sept 15, 2005.

It is believed that no additional fees are due in connection with this Appeal Brief, however if fees are determined to be due, please charge the credit card submitted herewith.

Respectfully submitted,



By: Julia S. Faircloth



By: Nellie T. Faircloth

DATE: 2-26-07

Julia S. Faircloth  
Nellie T. Faircloth  
11025 NE Hurley Lane  
Newberg, OR 97132  
Ph. 503-538-5192  
Cell. 503-550-7945



## Certificate of Mailing under 37 CFR 1.8

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on 2-26-07.  
Date

Signature

Julia S. Faircloth

Typed or printed name of person signing Certificate

Registration Number, if applicable

503 550 7945

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2007

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)0.

## Complete if Known

|                      |                   |
|----------------------|-------------------|
| Application Number   | 10/661,698        |
| Filing Date          | Sept. 12, 2003    |
| First Named Inventor | Faircloth et al   |
| Examiner Name        | Conley, Frederick |
| Art Unit             | 3673              |
| Attorney Docket No.  | PIL001            |

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayments of fee(s)  Credit any overpayments  
 under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| <u>Application Type</u> | <u>FILING FEES</u> |                     | <u>SEARCH FEES</u> |                     | <u>EXAMINATION FEES</u> |                     | <u>Fees Paid (\$)</u> |
|-------------------------|--------------------|---------------------|--------------------|---------------------|-------------------------|---------------------|-----------------------|
|                         | <u>Fee (\$)</u>    | <u>Small Entity</u> | <u>Fee (\$)</u>    | <u>Small Entity</u> | <u>Fee (\$)</u>         | <u>Small Entity</u> |                       |
| Utility                 | 300                | 150                 | 500                | 250                 | 200                     | 100                 | _____                 |
| Design                  | 200                | 100                 | 100                | 50                  | 130                     | 65                  | _____                 |
| Plant                   | 200                | 100                 | 300                | 150                 | 160                     | 80                  | _____                 |
| Reissue                 | 300                | 150                 | 500                | 250                 | 600                     | 300                 | _____                 |
| Provisional             | 200                | 100                 | 0                  | 0                   | 0                       | 0                   | _____                 |

## 2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Small EntityFee (\$)

50 25

Each independent claim over 3 (including Reissues)

200 100

Multiple dependent claims

360 180

Total ClaimsExtra ClaimsFee (\$)Fee Paid (\$)Multiple Dependent ClaimsFee (\$)Fee Paid (\$)

- 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20.

Indep. ClaimsExtra ClaimsFee (\$)Fee Paid (\$)Fee (\$)Fee Paid (\$)

- 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3.

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

|                     |                     |   |                 |                      |
|---------------------|---------------------|---|-----------------|----------------------|
| <u>Total Sheets</u> | <u>Extra Sheets</u> | <u>Number of each additional 50 or fraction thereof</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
|---------------------|---------------------|---|-----------------|----------------------|

|         |        |  |  |
|---------|--------|--|--|
| - 100 = | / 50 = | (round up to a whole number) x _____ = _____ |  |
|---------|--------|--|--|

## 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge): \_\_\_\_\_

## SUBMITTED BY

|                   |                           |                                      |                               |
|-------------------|---------------------------|--------------------------------------|-------------------------------|
| Signature         | <i>J. Faircloth</i>       | Registration No.<br>(Attorney/Agent) | Telephone <i>503 550 7945</i> |
| Name (Print/Type) | <i>Julia S. Faircloth</i> | Date <i>2-26-07</i>                  |                               |

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

*In re Application of* )  
Julia S. FAIRCLOTH et al. ) Group Art Unit: 3673  
Serial Number 10/661,698 ) Examiner: Conley, Fredrick C.  
Filed: September 12, 2003 ) Attorney Reference: PIL001  
For: PLAY PILLOW WITH HIDING SPACE )

**INTERVIEW SUMMARY RECORD**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir,

On January 25, 2007, Applicants contacted Examiner Conley regarding a proposed after final amendment. The conference call included inventor Julia Faircloth, assisting patent attorney Jeanne Elpel reg. 41,456, Examiner Fredrick Conley, and his supervisor, Patricia Engle, SPE.

Discussed were proposed amendments to claims 1, 23, 25-26 and 34, faxed to Examiner Conley on Jan. 8, 2007.

Discussed a proposed amendment setting forth that the door is framed by the front surface of the pillow. Examiner Conley argued that the size of the door is merely aesthetic. Applicant countered that sewing the door to the front surface of the pillow requires an extra manufacturing step which is not achieved by sewing around the exterior of the pillow. Applicant also stated that the door attracts people to the pillow and that pillow remains unique and novel at gift shows and to new customers.

Applicant requested clarification on the combination of Hernal in view of Redman regarding "...Redman discloses a pillow having a door..." (see Office Action mailed 11/28/2006, page 3, par. 3, line 9). It is still not clear how the Redman pocket can be seen as being a door, since in no way does the pocket of Redman open like a door. If the pocket did open there would be no cavity. The Examiner merely stated that Redman shows some kind of structure centrally located on a pillow.

Discussed amending the claims to set forth a percentage of billowing. The Examiner thought the degree of billowing is dependent on more or less filing or stuffing therefore would be considered

a matter of design. Applicant maintains that Applicants' invented the large degree of billowing to "snuggly" hold a stuffed animal, and that this relationship is new and novel.

Examiner Conley mentioned that the pillow art is a crowded art. Examiner Conley also stated that the proposed amendment would not be entered as the amendment does not overcome the rejections.

Applicant again requested help with making the claims allowable. Examiner Conley said there was allowable subject matter in the case and had no further suggestions. Applicant said that the presently allowed claims are drawn to the higher end, 'bells and whistle,' pillow embodiments having additional features and that what was needed was a claim on the embodiment of Figure 1 which is the mainstay pillow of Applicants' business.

Respectfully submitted,

  
By: Julia S. Faircloth

  
By: Nellie T. Faircloth

Julia S. Faircloth  
Nellie T. Faircloth  
11025 NE Hurley Lane  
Newberg, OR 97132  
Ph. 503-538-5192  
Cell. 503-550-7945

Dated: 2-26-07

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on this day of: 2-26-07  
Print Name: Julia S. Faircloth  
Signature: J.S. Faircloth